

**ESSB 5352** - H AMD TO H AMD (H-3031.2/09) **453**

By Representative Seaquist

ADOPTED 4/10/2009

1 On page 28, after line 19, insert the following:

2 "(9) As a priority task, the Washington state ferries is directed  
3 to propose a comprehensive incident and accident investigation policy  
4 and appropriate procedures, and to provide the proposal to the  
5 legislature by November 1, 2009, using existing resources and staff  
6 expertise. In addition to consulting with ferry system unions and the  
7 United States coast guard, the Washington state ferries is encouraged  
8 to solicit independent outside expertise on incident and accident  
9 investigation best practices as they may be found in other  
10 organizations with a similar concern for marine safety. It is the  
11 intent of the legislature to enact the policies into law and to  
12 publish that law and procedures as a manual for Washington state  
13 ferries' accident/incident investigations. Until that time, the  
14 Washington state ferry system must exercise particular diligence to  
15 assure that any incident or accident investigations are conducted  
16 within the spirit of the guidelines of this act. The proposed policy  
17 must contain, at a minimum:

18 (a) The definition of an incident and an accident and the type of  
19 investigation that is required by both types of events;

20 (b) The process for appointing an investigating officer or  
21 officers and a description of the authorities and responsibilities of  
22 the investigating officer or officers. The investigating officer or  
23 officers must:

24 (i) Have the appropriate training and experience as determined by  
25 the policy;

26 (ii) Not have been involved in the incident or accident so as to  
27 avoid any conflict of interest;

1 (iii) Have full access to all persons, records, and relevant  
2 organizations that may have information about or may have  
3 contributed to, directly or indirectly, the incident or accident  
4 under investigation, in compliance with any affected employee's or  
5 employees' respective collective bargaining agreement and state laws  
6 and rules regarding public disclosure under chapter 42.56 RCW;  
7 (iv) Be provided with, if requested by the investigating officer  
8 or officers, appropriate outside technical expertise; and  
9 (v) Be provided with staff and legal support by the Washington  
10 state ferries as may be appropriate to the type of investigation;  
11 (c) The process of working with the affected employee or employees  
12 in accordance with the employee's or employees' respective collective  
13 bargaining agreement and the appropriate union officials, within  
14 protocols afforded to all public employees;  
15 (d) The process by which the United States coast guard is kept  
16 informed of, interacts with, and reviews the investigation;  
17 (e) The process for review, approval, and implementation of any  
18 approved recommendations within the department; and  
19 (f) The process for keeping the public informed of the  
20 investigation and its outcomes, in compliance with any affected  
21 employee's or employees' respective collective bargaining agreement  
22 and state laws and rules regarding public disclosure under chapter  
23 42.56 RCW."

**EFFECT:** Directs the Washington state ferries to develop comprehensive incident and accident investigation policies and procedures. States it is the intent of the legislature to enact the revised policies required in this act into law, and to publish these policies as a manual for Washington state ferries' accident and incident investigations.

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